

302 KAR 1:040. Manufacturing grade milk.

RELATES TO: KRS 247.450-247.505

STATUTORY AUTHORITY: KRS 247.450-247.505, 247.483

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.483 authorizes the commissioner to establish and determine the rules and administrative regulations to conduct a referendum among producers of manufacturing grade milk for the purpose of promoting and stimulating by research, market development and education, the increased production, use and sale, domestic and foreign, of manufacturing grade milk and manufacturing grade milk products.

Section 1. Definitions. As used in these rules and administrative regulations, unless the context otherwise requires:

- (1) "Commissioner" means the Commissioner of Agriculture.
- (2) "Board" means the State Board of Agriculture.
- (3) "Manufacturing grade producer" means every person who produces manufacturing grade milk and thereafter causes the same to be marketed.
- (4) "New producer" means a producer who was not engaged in the business of producing manufacturing grade milk at the time a referendum was conducted in accordance with the provisions in these rules and administrative regulations.
- (5) "Person" means any individual, corporation, partnership, association, cooperative, or other business entity.
- (6) "Referendum agent" means an employee of the State Department of Agriculture under the direct control of the Commissioner of Agriculture.
- (7) "Manufacturing grade milk" means milk from cows from manufacturing grade producing herds.
- (8) "ADA" means the American Dairy Association of Kentucky, Inc.

Section 2. Counties in which Referendum will be Conducted. The manufacturing grade milk referendum will be conducted in all counties where there are manufacturing grade milk producers.

Section 3. List of Eligible Voters. The commissioner shall prepare a list of all known persons eligible to vote in said referendum. The list shall be composed from the Bureau for Health Services and the Division of Livestock Sanitation. Two (2) ballots will be mailed to each manufacturing grade milk farm residence. Another sheet will be included for the farm owner to submit any additional names and addresses of those who would be eligible to vote. The names on that list will then be mailed an official ballot to vote in the referendum.

Section 4. Who may Vote. Each person engaged in the production of manufacturing grade milk on a commercial basis including the owners of farms on which such manufacturing grade milk is produced, tenants and sharecroppers sharing in the proceeds of the sale of such manufacturing grade milk shall be entitled to cast one (1) vote in the referendum provided the producer is eighteen (18) years of age or older. Without limiting the previous sentence, each person whose name regularly appears on checks issued in payment for the sale of manufacturing grade milk is eligible to cast one (1) vote in the referendum regardless of the ownership of the farm upon which such manufacturing grade milk is produced and regardless of the ownership of the manufacturing grade milk dairy herd from which such manufacturing grade milk is obtained. Any persons who certify by signing the official mail out ballot stating that they are a producer of manufacturing grade milk shall be eligible to vote and have their ballot counted in the referendum.

Section 5. Voting. Voting will be by mail out ballot with the voter returning the signed and marked

ballot to the Kentucky Department of Agriculture as determined in Section 6 of this administrative regulation.

Section 6. Referendum Voting Period. Mail out ballots will be mailed to all manufacturing grade milk producers on November 9, 1981. The ballots must be signed, marked and returned to the Kentucky Department of Agriculture postmarked no later than November 30, 1981. These dates will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the holding of such referendum, and direct written notice thereof shall likewise be given to each County Extension Service Agent in any county covered by such referendum.

Section 7. Supervision of the Referendum and Duties of the Referendum Agent. The commissioner shall provide the referendum agent with a copy of these rules and administrative regulations to conduct said referendum. The referendum agent shall see that the official mail out ballots are mailed out and received back from the manufacturing grade milk producers on schedule as set forth in Section 6 of this administrative regulation. The referendum agent shall determine by the signature and marking of the ballot if said ballot shall be counted in the referendum.

Section 8. Approved Ballot Forms. The commissioner shall furnish the referendum agent with the approved official ballot forms. The ballot shall contain a certification statement to be signed by the manufacturing grade milk producer. Also, the ballot shall show the amount of the assessment the manufacturing grade milk producer is voting on.

Section 9. Custody of Ballots. The referendum agent shall have custody of the ballots that are returned to the Kentucky Department of Agriculture and keep the ballots in a secure place until such ballots may be counted.

Section 10. Confidential Information. All ballots cast, the identity of any person who voted, or the manner in which any person voted, and all information furnished to, compiled by, or in the possession of the commissioner and the referendum agent shall be regarded as confidential. The commissioner shall retain the records, the ballots, the results of the referendum, and all other information furnished to or compiled by the commissioner in regard to the referendum for a period of six (6) months.

Section 11. Counting the Ballots. The counting of the ballots shall be December 3, 1981, in an area designated within the Kentucky Department of Agriculture by the commissioner. The vote count shall be conducted by employees of the Kentucky Department of Agriculture, but the ADA and any organization actively engaged in the production of manufacturing grade milk in Kentucky may each have one (1) representative present during the counting of the ballots. Such organization must establish to the satisfaction of the commissioner that its desire to observe the counting of the ballots is for a legitimate purpose.

Section 12. Announcement of the Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum. (8 Ky.R. 212; eff. 11-5-81.)